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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,335	05/04/2006	Junya Kaku	060363	5062
23850 7590 01/07/2010 KRATZ, QUINTOS & HANSON, LLP 1420 K Street, N.W. Suite 400 WASHINGTON, DC 20005				
EXAMINER				
HARVEY, DAVID E				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
01/07/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/578,335

**Applicant(s)**

KAKU, JUNYA

**Examiner**

DAVID E. HARVEY

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 February 2009.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-16 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 04 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/GS-08)  
Paper No(s)/Mail Date 5/9/2007 & 5/4/2006  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

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**1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.**

**2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,928,234 to Tsuji et al. in view of US Patent #6,546,192 to Hisatomi et al.**

**A) The showing of Tsuji et al.:**

As is illustrated in Figures 1, Tsuji et al. discloses a video camera for recording video content onto a video recording medium (e.g., @ 5 of Figure 1). The camera comprises:

- 1) A first outputting means (e.g., @ 1-3 of Figure 1) for outputting a content comprised of a sequence of picture frames (e.g., @ top of Figure 10) wherein the sequence has a reference picture position assigned it at an intermittent timing (i.e., every tenth picture frame as shown in Figure 10);
- 2) A first recording means (e.g., @ 3-4 of Figure 1) for recording the outputted content, in a compressed MPEG format, on the recording medium (@ 5 of Figure 1);
- 3) A first creating means (e.g., @ 3 and 6 of Figure 1) for creating index information (e.g., the thumbnail picture information) which, as shown at the bottom of Figure 10, is created in parallel with the outputted information content; and
- 4) A second recording means (e.g., @ 3-4 of Figure 1) for recording the created index information on the recording medium with the outputted information content every time that a reference position is specified (i.e., note Figures 10 and 12).

**B) Differences:**

Claim 1 differs from the showing of Tsuji et al. only in that claim 1 requires the created and recorded index information to be information that point to the reference positions that were assigned to the content; i.e., wherein, in contrast, the system disclosed by Tsuji et al. stores indexed picture information itself.

**C) The showing of Hisatomi et al. & Obviousness:**

Hisatomi et al. is cited because not only does it evidence the fact that storing index information in the form and thumbnail images and in the form of pointer information were recognized alternatives in an analogous environment but, like applicant, Hisatomi et al. recognized that the storing of pointer information was preferred in that it advantageously reduced the amount of storage space that was required to stored the indexed stream by eliminating the need to store the thumbnail images [SEE lines 43-63 of column 16]. The examiner maintains that it would have been obvious to have modified the system disclosed by Tsuji et al. to create and store pointer information, i.e., in place of the thumbnail information, to obtain the benefit of reducing the amount of storage space that is required to stored the indexed content.

**4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,928,234 to Tsuji et al. in view of US Patent #6,546,192 to Hisatomi et al. for the same reasons that were explained above for claim 1. Additionally:**

As is evident via Figures 6, 8, and 12 of Tsuji et al., frames of the picture sequences are temporarily stored in memory while it is compressed, and while the index information is generated therefrom, prior to being with the index information in a synchronous manner (e.g., @ Figure 12).

**5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,928,234 to Tsuji et al. in view of US Patent #6,546,192 to Hisatomi et al. for the same reasons that were explained above for claim 1. Additionally:**

Note lines 26—26 of column 5 in Tsuji et al. (i.e., MPEG is used as the compression standard).

**6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,928,234 to Tsuji et al. in view of US Patent #6,546,192 to Hisatomi et al. for the same reasons that were explained above for claim 3. Additionally:**

Note Figures 11 and 11 of Tsuji et al. (i.e., the indexed frame are the I-Frames of the GOPs of MPEG compressed signal).

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**7. Claim 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,928,234 to Tsuji et al. in view of US Patent #6,546,192 to Hisatomi et al. for the same reasons that were explained above for claim 3. Additionally:**

As is evident from Figures 17 and 19 of Hisatomi et al., it was known and would have been obvious to one of ordinary skill in the art to have stored the content information in a data file, to have stored the index information in a management file, and to have stored information connecting the two files (e.g., logical to physical addresses) as a third file; i.e., the examiner takes Official Notice that such a file structure was notoriously well known from the DVD recording standard.

**8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,928,234 to Tsuji et al. in view of US Patent #6,546,192 to Hisatomi et al. for the same reasons that were explained above for claim 1.**

Note Figure 1 and 11 of Tsuji et al. (i.e., the system is a video camera).

**9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,928,234 to Tsuji et al. in view of US Patent #6,546,192 to Hisatomi et al. for the same reasons that were explained above for claim 2.**

Note Figure 1 and 11 of Tsuji et al. (i.e., the system is a video camera).

**10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,928,234 to Tsuji et al. in view of US Patent #6,546,192 to Hisatomi et al. for the same reasons that were explained above for claim 3.**

Note Figure 1 and 11 of Tsuji et al. (i.e., the system is a video camera).

**11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,928,234 to Tsuji et al. in view of US Patent #6,546,192 to Hisatomi et al. for the same reasons that were explained above for claim 4.**

Note Figure 1 and 11 of Tsuji et al. (i.e., the system is a video camera).

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**12. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,928,234 to Tsuji et al. in view of US Patent #6,546,192 to Hisatomi et al. for the same reasons that were explained above for claim 5.**

Note Figure 1 and 11 of Tsuji et al. (i.e., the system is a video camera).

**13. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,928,234 to Tsuji et al. in view of US Patent #6,546,192 to Hisatomi et al. for the same reasons that were explained above for claim 6.**

Note Figure 1 and 11 of Tsuji et al. (i.e., the system is a video camera).

**14. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,928,234 to Tsuji et al. in view of US Patent #6,546,192 to Hisatomi et al. for the same reasons that were explained above for claim 7.**

Note Figure 1 and 11 of Tsuji et al. (i.e., the system is a video camera).

**15. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,928,234 to Tsuji et al. in view of US Patent #6,546,192 to Hisatomi et al. for the same reasons that were explained above for claim 8.**

Note Figure 1 and 11 of Tsuji et al. (i.e., the system is a video camera).

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**16.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. HARVEY whose telephone number is (571) 272-7345. The examiner can normally be reached on M-F from 6:00AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Marsh D. Banks-Harold, can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DAVID E HARVEY/

Primary Examiner, Art Unit 2621

DAVID E HARVEY  
Primary Examiner  
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